

DOCKET NO. 23 MAR 30 2007 060US0

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
HIROMI NAMBU, ET AL. : EXAMINER: FUBARA, B. M.
SERIAL NO: 10/053,658 :
FILED: JANUARY 24, 2002 : GROUP ART UNIT: 1618
FOR: DEPILATORY COMPOSITION :

DECLARATION UNDER 37 C.F.R. § 1.132

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313
Sir:

Now comes Mr. Yoshihiko Watanabe who deposes and states that:

1. I am an employee of Kao Corporation.
2. I am a graduate of University of Tokyo and received my doctor degree in the year 1994.
3. I have been employed by Kao Corporation since 1994, and I have been conducting research in the field of polymer material for 13 years.
4. I am familiar with the prosecution history of the above-identified application and I understand that it is the Examiner's opinion that a gel depilatory sheet containing a gel depilatory composition having a viscosity of from 300,000-20,000,000 mPa·s would be obvious in view of a gel depilatory sheet containing a gel depilatory composition having a viscosity of 100,000 mPa·s.
5. In order to show the effect of viscosity on a gel depilatory sheet the following experiments were carried out by me or under my direct supervision and control.

6. The photographs on the page titled "Comparison: Polymer solution of 155,000 mPa·s" show the viscosity characteristics of a polymer solution having a viscosity of 155,000 mPa·s. The photographs show that a polymer solution of viscosity 155,000 mPa·s is a flowable liquid that droops under its own weight. The series of three small photographs show how a polymer solution having a viscosity of 155,000 mPa·s flows down an inclined surface.

7. The photographs on the page titled "Depilatory Gel Sheet of the present invention" relate to a gel depilatory sheet meeting the requirements of the present claims; namely, containing a gel depilatory composition having a viscosity of from 500,000-20,000,000 mPa·s.

8. The gel depilatory sheet having a gel depilatory composition of viscosity 500,000-20,000,000 mPa·s was able to adhere to the skin of a user without drying and could be peeled off to remove hair.

9. Another photograph on the same page shows the sheet of the invention having a gel depilatory composition meeting the viscosity requirement of 500,000-20,000,000 mPa·s. The gel remains on the gel depilatory sheet and does not hang down or droop from the sheet.

10. The photographs shows that a gel depilatory sheet of the invention remained adhered to skin applied to different portions of a body.

11. It is my opinion that the viscosity of a gel depilatory composition present on a gel depilatory sheet has a significant impact upon the usefulness of the gel depilatory sheet. A gel depilatory composition having a viscosity of only 100,000 mPa·s has flow properties that render it substantially inferior to a gel depilatory sheet of the present claims.

12. The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both,

under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

13. Further deponent saith not.

Customer Number

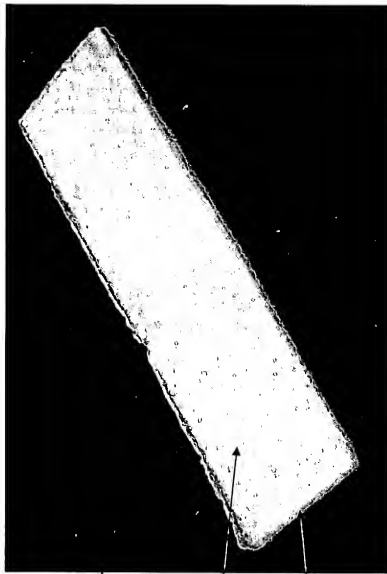
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Yoshihiko Watanabe

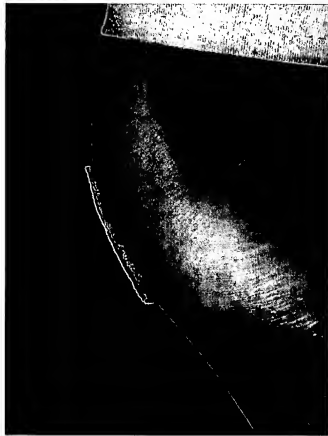
Date

Depilatory Gel Sheet
of the present invention



Gel

Nonwoven fabric



Comparison:

Polymer solution of 155 000 mPas



Polymer Solution of 155000 mPas
is flowable.
It droops under its own weight
on declined place such as human body.



Polymer solution
of 155000mPas
placed on a board
(time = 0 second)

5 seconds after
declining the board



10 seconds after
declining the board